

# United States District Court

## WESTERN DISTRICT OF WASHINGTON

PACIFIC SOUND RESOURCES, *et al.*,

### JUDGMENT IN A CIVIL CASE

v.

THE BURLINGTON NORTHERN AND SANTA FE  
RAILWAY COMPANY, *et al.*

CASE NUMBER: C04-1654RSL

       **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

x **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

### IT IS ORDERED AND ADJUDGED

1) Judgment is entered in favor of defendant The Burlington Northern and Santa Fe Railway Company on plaintiff Pacific Sound Resources' claims against defendant The Burlington Northern and Santa Fe Railway Company;

2) Judgment is entered in favor of defendant The Burlington Northern and Santa Fe Railway Company on plaintiff The Port of Seattle's claims against defendant The Burlington Northern and Santa Fe Railway Company;

3) Defendant The Burlington Northern and Santa Fe Railway Company's counterclaims against plaintiff Pacific Sound Resources and plaintiff The Port of Seattle are dismissed without prejudice as moot.

4) All claims, counterclaims, and cross-claims asserted by or against J.H. Baxter & Co., a California limited partnership, J.H. Baxter & Co., a California corporation, and J.H. Baxter & Co., Inc., a California corporation, are dismissed with prejudice, without costs, and with each party bearing its own attorney's fees; (2) any equitable share of liability attributable to these Baxter entities, or to any of them, shall be allocated to plaintiff Pacific Sound Resources; and (3) The Burlington Northern and Santa Fe Railway Company's liability, if any, to plaintiffs shall be reduced by the amount of the equitable share of liability allocated to Baxter, in a manner consistent with the Washington Model Toxics Control Act and other applicable law."

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March 26, 2007

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BRUCE RIFKIN  
Clerk

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s/Rhonda Stiles

By, Deputy Clerk